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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,104	04/16/2004	Norman M. Ladouceur	13210-51	7702
1059	7590	11/17/2005	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			VU, MICHAEL T	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 11/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,104	Applicant(s) LADOUCEUR ET AL.	
	Examiner Michael Vu	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujisawa (US 2002/0115478).

Regarding **claim 1**, Fujisawa teaches A removeable mobile alerter for a host mobile communication device comprising (Abstract, Fig. 28 to 30 [0378-0383]): a processor (Fig. 2 & 8, Central Control Circuit 25); a power supply (Fig. 2 & 8, Battery 34); a wireless receiver to communicate with host mobile communication device (Fig. 2 & 8, [0129]); notification hardware for triggering a notification of an incoming alert (Abstract, Fig. 15 to Fig. 30, [0004-0005]); and a connection interface to connect said mobile alerter to said host device to form the notification unit of said mobile device (Abstract, Fig. 15 to Fig. 30, [0004-0005, 0011, 0022]).

Regarding **claim 2**, Fujisawa teaches The notification hardware of claim 1, further teaches comprising at least one type of hardware from the group consisting a speaker (Fig. 2 & 8, Speaker 35, [0139]), a vibrator (Fig. 2 & 8,

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Vibrator 27, [0133, 0140]), and a light (Fig. 2 & 8, Light Emitting Unit 28, [0133, 0140]).

Regarding **claim 3**, Fujisawa teaches The power supply of claim 1, further teaches consisting of a battery (Fig. 2 & 8, Battery 34, [0137]).

Regarding **claim 5**. Fujisawa teaches The communication means of claim 4 comprising at least one form of communication means from the group consisting of voice communication (Fig. 27, Voice Codec 49 and Voice I/F Unit), and data communication (Fig. 28 and Fig. 29 Text Message "Good Morning").

Regarding **claim 6**. Fujisawa teaches The connection interface of claim 4 comprising at least one form of interface from the group consisting of serial interface, parallel interface, and wireless interface (Fig. 27 shows at least one form of interface is a wireless interface element 47 RF Unit and 54 RF Unit).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any

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inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujisawa in view of Nickum (2001/0039195).

Regarding **claim 4**, Fujisawa teaches A mobile communication device comprising (Fig. 24 Mobile 24, Fig. 27 11A)): a processor (Fig. 27 Microprocessor 43); a wireless communication means to communicate with a wireless network (Radio Frequency Unit 47 transmit/receive to wireless network); a wireless transmitter for communication with a wireless network (Radio Frequency Unit 47 transmit/receive to wireless network); a wireless receiver for communication with a wireless network (Radio Frequency Unit 47 transmit/receive to wireless network); a wireless transmitter for communication with mobile alerter of claim 1 (Fig. 27 Radio Frequency Unit 41 transmit/receive to wireless Watch-Shaped or Pager-size); **but is silent on** a housing with an indenture for receiving mobile alerter of claim 1; and a connection interface for receiving mobile alerter of claim 1. However, Nickum teaches a personal computer, which is including a portable computer, a cellular telephone which can be connected to the portable computer, and a pager can be connected to the cellular phone (Abstract, Fig. 1 & [0019-0021]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisawa, such that a housing with an indenture for receiving mobile alerter of claim 1; and a connection interface for receiving mobile alerter of claim 1, to provide the portability of any-time anywhere or anyplace service to communicate to each others, and saved the power of the consumption.

Regarding **claim 7**. Fujisawa teaches A method for receiving notification on a mobile alerter (Fig. 2, Fig. 4 Incoming Call Notification and Information Display element S7), **but is silent on** wherein a mobile alerter is un-tethered to a mobile device comprising the steps of: receiving a first notification alert (voice/data) on a mobile device from a wireless network; sending out a second notification alert from wireless device to mobile alerter; receiving second notification alert on mobile alerter; and triggering notification hardware to alert user of incoming second notification of mobile. However, Nickum teaches a personal computer, which is including a portable computer, a cellular telephone which can be connected to the portable computer, and a pager can be connected to the cellular phone teaches all of those features above (Abstract, Fig. 1 & 2, [0010, 0011]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisawa, such that wherein a mobile alerter is un-tethered to a mobile device comprising the steps of: receiving a first notification alert (voice/data) on a mobile device from a wireless network; sending out a second notification alert from wireless device to mobile alerter; receiving

second notification alert on mobile alerter; and triggering notification hardware to alert user of incoming second notification of mobile, to provide the portability of any-time anywhere or anyplace service to communicate to each others, and saved the power of the consumption.

Regarding **claim 8**. Fujisawa teaches A method for receiving notification on a mobile alerter (Fig. 2, Fig. 4 Incoming Call Notification and Information Display element S7), **but is silent on** wherein a mobile alerter is tethered to a mobile device comprising the steps of: receiving a first notification alert (voice/data) on a mobile device from a wireless network; sending out notification from wireless device to mobile alerter through (tethered) connection interface; receiving notification alert on mobile alerter; and triggering notification hardware to alert user of incoming notification of mobile device. However, Nickum teaches a personal computer, which is including a portable computer, a cellular telephone which can be connected to the portable computer, and a pager can be connected to the cellular phone teaches all of those features above (Abstract, Fig. 1 & 2, [0010, 0011]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisawa, such that wherein a mobile alerter is tethered to a mobile device comprising the steps of: receiving a first notification alert (voice/data) on a mobile device from a wireless network; sending out notification from wireless device to mobile alerter through (tethered) connection interface; receiving notification alert on mobile alerter; and triggering notification hardware to alert user of incoming notification of mobile device, to

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provide the portability of any-time anywhere or anyplace service to communicate to each others, and saved the power of the consumption.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujisawa US 2002/0115478

Holman US 2004/0214594

Schnurr US 2005/0157698

Nickum US 2001/0039195

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu



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